

**STATE OF ILLINOIS  
SECRETARY OF STATE  
SECURITIES DEPARTMENT**

**IN THE MATTER OF:**

**DANIEL NIEVES**

**FILE NO. 1100144**

**ORDER OF REVOCATION**

**TO THE RESPONDENT:** Daniel Nieves (Crd#: 4297934)  
3419 Highway 6 Sste B Houston,  
TX 77082-4201

C/O PFS Investments Inc.  
Attn: Director of Compliance  
3120 Breckimidge Blvd Bldg 700  
Duluth, GA 30099-0001

WHEREAS, a Notice of Hearing ("the "Notice") was issued against the Respondent, Daniel Nieves ("Nieves") by the Secretary of State, Illinois Department of Securities, ("the Department") on March 18, 2011. The hearing was scheduled to determine whether an Order shall be entered revoking Respondent's registration as a salesperson in the State of Illinois in accordance with 8E.(1)(o) of the Illinois Securities Act of 1953 (the "Act"); and/or granting such other relief as may be authorized under the Act including but not limited to the imposition of a monetary fine in the maximum amount pursuant to Section 11.E(4) of the Act.

WHEREAS, pursuant to Section 130.1104(a) of the Rules and Regulations, Securities Law of 1953, (the "Rules"), in each contested case instituted by the Department, each respondent shall file with the Department an Answer, Special Appearance pursuant to Section 130.1107 of this Part, or other responsive pleading within 30 days after the service of the Notice of Hearing;

WHEREAS, pursuant to Section 130.1104(b) of the Rules, failure by the Respondent, to timely file an answer, a special appearance pursuant to Section 130.1107 of this Part, or other responsive pleading shall be deemed an admission of the allegations

contained in the Notice of Hearing and waives the respondent's right to a hearing. The hearing officer shall make a recommendation that an appropriate order be entered wherein, in addition to any other sanctions, respondent be held in default;

WHEREAS, pursuant to Section 130.1109 of Subpart K of the Rules, a respondent's failure to appear at the time and place set for hearing shall be deemed a waiver of the rights to present evidence, to argue, to object, to cross-examine witnesses, or to otherwise participate at the hearing;

WHEREAS, on May 17, 2011, the Hearing Officer, Soula J. Spyropolous, granted the Department's Motion for Respondent Nieves to be held in Default. Respondent Nieves failed or refused to file a timely answer, a special appearance, or other responsive pleading within (30) calendar days of receipt of the Notice and Respondent is hereby deemed to have admitted the facts alleged in the Notice. In addition, after a hearing on the merits, the Hearing Officer recommended that Respondent Nieves be subject to sanctions for his failure to pay the final tax assessment of a tax administered by the Illinois Department of Revenue, pursuant to Section 8.E(1)(o) of the Act;


WHEREAS, Respondent was given proper notice of the first date set for hearing and of his right to file an answer or other written response to the Notice. The Department sent the Notice via certified mail to Respondent's last known address, and the Broker Dealer where Respondent was currently employed; and

WHEREAS, the Secretary of State, by and through his duly authorized representative, has adopted the Findings of Fact contained in the Notice issued against Respondent Nieves as the Secretary of State's Findings of Fact.

**NOW THEREFORE IT IS HEREBY ORDERED THAT:**

Pursuant to the authority granted by Section 8E(1)(o) of the Act, Respondent Nieves's registration as a salesperson in the State of Illinois is **REVOKED** effective May 27, 2011.

**ENTERED:** This 27<sup>th</sup> day of May 2011.

  
JESSE WHITE  
Secretary of State  
State of Illinois

**NOTICE:** Failure to comply with the terms of this Order shall be a violation of Section 12.D of the Act. Any person or entity that fails to comply with the

terms of this Order of the Secretary of State, having knowledge of the existence of this Order, shall be guilty of a Class 4 felony.

Pursuant to Section 130.1131 of the Rules, any party who receives an order, based on a failure to answer or otherwise plead, or a failure to appear at the hearing, may within ten days after receipt of the order file an application in writing with the Secretary of State or his designee requesting that the order be vacated. The application shall be supported by an affidavit specifying the reason the party was unable to file an answer, otherwise plead, or appear at the hearing.

This is a final order subject to administrative review pursuant to the Administrative Review Law, 735 ILCS 5/3-101 et seq. and the Rules and Regulations of the Illinois Securities Act (14 Ill. Admin. Code, Ch. I, Sec. 130.1123). Any action for judicial review must be commenced within thirty-five (35) days from the date a copy of this Order is served upon the party seeking review.

Attorney for the Secretary of State:

Maria A. Pavone

Office of the Secretary of State

Illinois Securities Department

69 West Washington Street, Suite 1220

Telephone 312-793-3384

Hearing Officer:

Soula Spyropoulos

4125 West Lunt Street

Lincolnwood, Illinois 60712